

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

No. C-02-1486 CW (EDL)

**ORDER GRANTING JDSU'S REQUEST
FOR EXPEDITED BRIEFING ON
MOTION TO STRIKE**

This document relates to ALL ACTIONS

By letter brief filed April 30, 2007, JDSU requests expedited briefing on its motion to strike Lead Plaintiff's supplemental disclosure of nine witnesses on April 13 and a tenth witness on April 25, 2007. Lead Plaintiff opposes the request for an expedited briefing schedule. For good cause shown, the Court grants JDSU's request for expedited briefing as follows:

JDSU shall file a brief on its motion to strike, not to exceed five pages, by its proposed date of May 2, 2007, at 4 p.m.

Lead Plaintiff shall file a responsive brief, not to exceed five pages, by 4 p.m., May 3, 2007.

The Court will hold a hearing on JDSU's motion to strike on May 7, 2007 at 3 p.m., if necessary. The parties may appear by telephone by providing the courtroom deputy with a telephone number where counsel may be reached, with the Court to initiate the telephone call if the Court deems that a hearing is necessary.

The Court notes that Lead Plaintiff is correct in its interpretation of the Court's standing Case Management Order governing discovery as providing a mandatory deadline for disclosures without precluding further supplementation pursuant to Rule 26(e)(1). If Lead Plaintiff learned of the newly disclosed witnesses after the class notice was published, it would appear to have been appropriate for

1 Lead Plaintiff to supplement its disclosures pursuant to Rule 26(e)(1) after the prescribed time for
2 disclosures had passed, particularly in light of the witnesses' availability for deposition on the dates
3 requested by Defendants.

4 IT IS SO ORDERED.

5 Dated: May 1, 2007

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge